

REMARKS

This preliminary amendment is being filed with a Request for Continued Examination. Applicants submit that this preliminary amendment provides a full and complete response to the Final Office Action dated April 20, 2006 and the Notice of Panel Decision from Pre-Appeal Brief Review dated September 11, 2006.

In the Final Office Action, claims 1-4, 7-17, 19-24, 26-29, 31-34 and 36 stand rejected under 35 U.S.C. § 103(a) over US Patent Application Publication 2003/0117893 ("Bary") in view of US Patent No. 6,430,105 ("Stephen"); and claims 5-6, 18, 25, 30 and 35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A response to the Final Office Action was submitted on June 15, 2006. In the response to the Final Office Action, Applicants traversed the rejection and argued that claims 1-4, 7-17, 19-24, 26-29, 31-34 and 36 are not obvious in view of Bary and Stephen.

An Advisory Action was mailed July 6, 2006. In the Advisory Action, the Examiner maintained his rejection under 35 U.S.C. § 103(a) over Bary and Stephen.

A Pre-appeal Brief Request For Review ("Pre-appeal Brief Request") was submitted on August 11, 2006. In the Pre-appeal Brief Request, Applicants respectfully traversed the 35 U.S.C. § 103(a) rejection and argued that claims 1-4, 7-17, 19-24, 26-29, 31-34 and 36 are not obvious in view of Bary and Stephen.

A Notice of Panel Decision from Pre-Appeal Brief Review ("Notice of Panel Decision") was mailed September 11, 2006. In the Notice of Panel Decision, the panel determined that there is at least one actual issue for appeal and that Applicants may proceed to Board of Patent Appeals and Interferences. The panel also maintained that claims 1-4, 7-17, 19-24, 26-29, 31-34 and 36 are rejected as being obvious in view of Bary and Stephen; and claims 5-6, 18, 25, 30 and 35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, a Request for Continued Examination is being filed herewith along with this preliminary amendment to remove issues from appeal, adopt the Examiner's suggestions and place the present application in condition for allowance. In particular, claims 1-4, 7-17, 19-24, 26-29, 31-34 and 36 have been cancelled without prejudice, thereby rendering the rejection over those claims moot. Applicants reserve the right to subsequently take up prosecution of the claims as originally filed in this application in a continuation, a continuation-in-part and/or a divisional application. Further, claims 5-6, 18, 25, 30 and 35 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims, as suggested by the Examiner. Therefore, Applicants respectfully submit that the present application is in condition for allowance.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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